

**MIDLAND CITY COUNCIL
MINUTES
August 28, 2018**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on August 28, 2018.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Spencer Robnett (At-Large), Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Council Member John B. Love III (District 2), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Steve Henry, Fire Chief Chuck Blumenauer, Utilities Director Laura Wilson, Administrative Services Director ___, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Solid Waste Director Morris Williams, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Elana Ladd.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at ____ a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 28, 2018.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Spencer Robnett (At-Large), Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Council Member John B. Love III (District 2), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Council Members absent: None.

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, and Assistant City Manager Robert Patrick.

The Agenda Items were heard in the following order:

Mayor Morales called the meeting to order at ___ a.m.

OPENING ITEMS

cto 10:02

1001

1. Invocation - Pastor Robert Pase, Grace Lutheran
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

- a. Regular Meeting of August 14, 2018

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

- b. Regular Meeting of August 21, 2018

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

5. Approved a resolution authorizing the execution of a Downtown Open Space Development Agreement, a Downtown Open Space Lease Agreement, and a Downtown Open Space License Agreement between the City of Midland and the Midland Downtown Park Conservancy. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 307

RESOLUTION AUTHORIZING THE EXECUTION OF A DOWNTOWN OPEN SPACE

DEVELOPMENT AGREEMENT, A DOWNTOWN OPEN SPACE LEASE AGREEMENT, AND A DOWNTOWN OPEN SPACE LICENSE AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE MIDLAND DOWNTOWN PARK CONSERVANCY REGARDING THE DEVELOPMENT OF LOT 1A, BLOCK 54, AND LOT 1A, BLOCK 55, ORIGINAL TOWN ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (COMMONLY KNOWN AS CENTENNIAL PLAZA AND THE SITE OF THE FORMER MIDLAND COUNTY COURTHOUSE)

Council Member Robnett moved to adopt Resolution No. 2018 - 307; seconded by Council Member Love.

Sparks questions on contract not on park itself. It looks awesome (park). His concern are strictly on long term side of contract several agreements downtown open space agreement concerning lease agreement of 20 year initial term on that lease with extension that go up to 49 years and if remember starts upon completion of park. John on substantial completion yes. Sparks after 20 year term who has right to extend? John on the conservancy. if they timely elect to extend option it is their discretion. Sparks liberal cure period. 49 or 50 year term from this point ahead. conservancy will have exclusive right to plan design and construct and city will be leasing land that old courthouse was on and our \$2 m in and multi media screen which will be 800,000 to \$1m. We've already budgeted that money with Midland Center. Section 2.4 a conservancy will prepare budget with respect to operation they will have option of having income from events that they have exclusive rights to charge for events will that income offset operating costs? John on the City's operating cost we are paying 50% of m&O there will be some income expected to be generated off of use of recreation area. Robnett conversations is rental income from park is not material but that discretion will be left up to board that city council has 3 of 7 seats on. How will conservancy operate? What are their bylaws? His biggest problem is he didn't get to see contract until last week and it's a big undertaking for City and there's a lot of parts. Don't see that City has any way, if conservancy goes sideways for a 50 year terms. People today utmost respect if around for 50 years we are good but after 20 year terms. Dufford Council has 3 seats and flip one if someone goes rogue. Robnett conservancy is more about donation. with 3 of 7 board seats don't have any problems. You know how different contracts work throughout City. There were 3 spend 2 years and this absolutely is probably best agreement that come up with City good one protections on both sides. Sparks read portion of contract that conservancy will provide costs. confused with 3.1 b long and cumbersome paragraph how does this work? What is part of annual management fee? John on annual management fee is the fee that City will pay for their portion of operation costs it shows proforma budget and city owes lesser of 50% or ? at end of FY there is a true up. Sparks the management fee is operating costs? Who gets it. City pay half of management and DMMD will be paying other half. Robnett is there anything today that would resolve your concerns? Sparks trying to finish figuring out what is in contract he wants to know. There is 57 pages when go through all pages in week. Robnett also have team of city managers, attorneys and 3 council members. Had contract for one week. complete team of legal experts working on project for a long time. Sparks there is no way for the City to get out nothing in this that City has right to, get down to water and have no way of controlling water and no way to escalate their fees and we have zero control over water. talking about 50 years of agreement if goes rogue. certain things can do to this contract that does not substantially reduce safeguards that conservancy has but can help city on long term contract. Mayor public/private partnership happen all day long. Sparks contract very one sided looking at short term

and not long term. Dufford did contemplate that and did address that. Sparks want city to have some say. Love the council has 3 of 7. Mayor appointed two members to serve on committees. It has gone through committees he is taking full responsibility had a team, you had time nothing hidden nothing to hide transparent about every issue.

Robnett before vote would like to add little more positive commentary on park. worked on 2 years, mayor, city attorney dufford, himself. they have been welcomed by midland chamber, dmm, ready to put stamp on courthouse block. project ready to go made up of board of 7 volunteers 3 appointed by this council. disappointed that some of shininess taken off but don't let that steal thunder for park great plan and contract in place with that mayor's vote.

Love support project no problem with contract ready to vote. he does not want Mr. Sparks to be cut off at same time, asked him to summarize all objects area and then let's vote.

Sparks concern is that it is worthwhile to have the discussion. NOT trying to take the shine off the project a lot of good work for 50 year term none out there dealing with after 20 years and he's looking for way that if it's absolutely gone sideways will sue hotel/motel funds what if they are not available in 20 years what if it says it can't be used for that? then stuck with it and will have to find another funding source. What if having problem with water but they don't have problem with escalation fees why shouldn't they pay escalation fees. Midland has 4 business centers. Good project but tweaking needed to contract. Would like to defer for 2 weeks to talk about. Mayor there will be an endowment established that can be tapped into. public said they wanted to see a park if city is able to contribute from water point. There are things they can do to give community treasurable amenity. Dufford used a template from other parks that have done the same thing they didn't reinvent wheel they used a template. Hotchkiss water also was not on liaison want to applaud landscape architect chosen this is really more than anything she has ever seen for public space for. rainwater captured in storage underground. as master gardeners want to ensure that beautiful foliage will live. thoughtfulness and background brought to project. All have problems making things grow in Midland prep is key and every step that can be taken to ensure success in maintenance of park was taken and then add all wonderful things including stacks, opportunities for play and interaction of park. conservancy is huge and reasonable are to manage. Sparks not against park for it, don't have proper things in contract to protect city so it's up to you and asked that when looking at finding replacement for themselves to get good people. for what doing but vote against. Appreciate generosity that midlanders bring really nice downtown park.

The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: Sparks. ABSTAIN: None. ABSENT: None.

6. Approved a resolution appointing three (3) directors to the Midland Downtown Park Conservancy Board of Directors; and directing the city manager to deliver a copy of the resolution to the Midland Downtown Park Conservancy (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 308
RESOLUTION APPOINTING THREE (3) DIRECTORS TO THE MIDLAND
DOWNTOWN PARK CONSERVANCY BOARD OF DIRECTORS; AND DIRECTING

THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND DOWNTOWN PARK CONSERVANCY

Council Member Love moved to adopt Resolution No. 2018 - 308; seconded by Council Member Robnett.

robnett to recognize committee came up with david byrd, ?? tommy hudson and ?? com those 3 items assumign accepted today recognize and appreciate for serving.

Mayor thanked partneers it is another tremendous, exciting day for citizeens of idland great return on tax investment thank concho, tim leach scott kidwell and their team. Mr. leech tremendous lead and his comments catalyst for making downttonw. concho origin catalyst when put workers downtown, pbs, suzie south 40. scharber foudnaiton grant billingsly, com scott dufford and robnett worked diligently on contract with city attorney john o, tina, laurie, dmmd scooter brown wes perry. have several catalyst that wil make downtown vibrant exciting to see what tkes palce in future mucyh more come to fruition. thanked fr for amking a success tremendous asset to perm basin drawings here.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

cott Tidwell 600 W Illinois, great day thank so much, as tim said really importnat thing wonderful exampel of private public partnership and role philanthropy plays, thanked council for their visioon and allowing to come together. thanked Sjparks for his comments no hard feelings. At end of day this is a catlyst very importnat to understnad this never happens without scarbauer foundation unbelievable gift giving to City. thanked chamber and dmmd.

Grant Billingsly, exec dir scarborough foundaiton worked on for long time commend council on seeing opportunity to do something different. Not reinventing wheel seen where it stimualtes and been success. Seems that in his 50 eyars that could happen want to ack 2 director jim alsop and Dan oRg? talked about Scharbaorough name has been involved for a long time in downtown. Scarber hotel was builtbecause community needed a hotel. That sort of traidditonf ound is pleased to be a part of. More to come thanked council for vision and look forward to seeing the success they hope it is.

7. Approved a resolution approving the Fiscal Year 2018-2019 budget of the Space Port Development Corporation. (FINANCE)

RESOLUTION NO. 2018 - 309

RESOLUTION APPROVING THE FISCAL YEAR 2018-2019 BUDGET FOR THE MIDLAND SPACEPORT DEVELOPMENT CORPORATION, AS AUTHORIZED BY CHAPTER 507 OF THE TEXAS LOCAL GOVERNMENT CODE.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

8. Approved a resolution awarding a sole source contract for maintenance of Hach equipment for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 310

RESOLUTION AWARDING A SOLE-SOURCE CONTRACT FOR THE UTILITIES DEPARTMENT WITH HACH COMPANY OF CHICAGO, ILLINOIS, FOR MAINTENANCE OF HACH EQUIPMENT AT A TOTAL COST OF \$66,984.04 PER YEAR; AND AUTHORIZING PAYMENT THEREFOR.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

9. Approved a resolution awarding a contract for the Tradewinds Boulevard Paving Project for the Engineering Services Department.. (PURCHASING)

RESOLUTION NO. 2018 - 311

RESOLUTION AWARDING A CONTRACT FOR THE TRADEWINDS BOULEVARD PAVING PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$8,026,768.10; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR.

Mayor another catalyst for west side of town tried to have on table and today get please sdescrip. jose back road to allow future development to that region tradewinds will allow for addiitonal deveopment in that corridor (get description) lacy working for 5 years thanked staff for opening up economic aarea. how many undeveloped aarea. side roads will connnect to loop 250 will control ingress egress and roundabout. Robnett how many bids? only received2. 47 sent out received 2 back. Jose a lot of projects in this region challenge to get bidders to come to table and devleoeps are drawing form same contractors. Fortunate actually makes sensse. Love althoughe everyone busy it just don't look like costs are starting to go up like it did 3-4 years ago.

Council Member Lacy moved to adopt Resolution No. 2018 - 311; seconded by Council Member Robnett.

When start Jose rpe consstruciton meeting first adn will provide schedule not quite there yet anticipate this fall and complete next spring.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

10. Approved a resolution awarding a professional services agreement for engineering services for the Garfield Street Utility and Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 312

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. FOR ENGINEERING

SERVICES ASSOCIATED WITH THE PLANNING AND DESIGN OF IMPROVEMENTS TO GARFIELD STREET, FROM MICHIGAN AVENUE TO GOLF COURSE ROAD; SAID SERVICES BEING RELATED TO YEAR THREE BOND PROJECTS; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$432,772.00.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

11. Approved a resolution awarding a contract to retrofit the parking lot lights at the Scharbauer Sports Complex to Light Emitting Diode (LED) lighting for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 313

RESOLUTION AWARDING A CONTRACT TO ESCN, INC., DBA BASIN ELECTRIC & TECHNOLOGY FOR THE RETROFITTING OF THE PARKING LOT LIGHTS AT THE SCHARBAUER SPORTS COMPLEX AT A TOTAL COST OF \$189,185.00; AND APPROVING \$18,900.00 FOR CONTINGENCIES.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

12. Approved a resolution awarding a professional services agreement for engineering services for the A Street Utility and Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 314

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING SERVICES ASSOCIATED WITH THE PLANNING AND DESIGN OF IMPROVEMENTS TO A STREET, FROM INDIANA AVENUE TO CUTHBERT AVENUE; SAID SERVICES BEING RELATED TO YEAR THREE BOND PROJECTS; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$256,600.00

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

13. Approved a resolution awarding the project described as Purchase Two (2) ARFF Trucks for Station 7 located at Midland International Air & Space Port and appropriate funds. (AIRPORTS)

RESOLUTION NO. 2018 - 315

RESOLUTION APPROVING THE PURCHASE OF TWO (2) CLASS 4 1,500-GALLON AIRCRAFT RESCUE FIRE FIGHTING TRUCKS FOR STATION 7 AT MIDLAND INTERNATIONAL AIR & SPACE PORT FROM OSHKOSH AIRPORT PRODUCTS, LLC, FOR A TOTAL COST OF \$1,435,624.00; APPROVING \$209,472.00 FOR ADMINISTRATIVE COSTS, PROFESSIONAL SERVICES FEES, CONTINGENCIES, AND ANCILLARY EQUIPMENT ASSOCIATED THEREWITH; AND APPROPRIATING FUNDS THEREFOR.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

14. Approved a resolution authorizing the Mayor, City Manager and City Attorney to execute Federal Grant #58 from the Federal Aviation Administration upon receipt. (AIRPORTS)

RESOLUTION NO. 2018 - 316

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO ACCEPT AND EXECUTE FEDERAL AVIATION ADMINISTRATION ("FAA") GRANT NUMBER 58 IN THE AMOUNT OF \$2,534,316.00 UPON RECEIPT FROM THE FAA; SAID GRANT WILL FUND NINETY PERCENT (90%) OF CERTAIN PORTIONS OF FAA-ELIGIBLE PROJECTS AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID GRANT FUNDS ARE TO BE DEPOSITED IN THE AIRPORT FUND UPON RECEIPT.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

15. Approved a resolution authorizing the execution of Amendment #9 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2018 - 317

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER NINE TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECTS: REHABILITATE NORTH, TERMINAL & AND SOUTH APRON CONCRETE PAVEMENT PROJECT, REHABILITATE NORTHWEST TAXILANE & EXECUTIVE APRON PROJECT, NW BASIN WILDLIFE IMPROVEMENTS PROJECT, REPLACE AIRCRAFT BOARDING BRIDGES & OUTBOUND BAGGAGE CONVEYANCE SYSTEM PROJECT, RELEASE LAND AT EXECUTIVE AIRPARK PROJECT, AND DEVELOPMENT PARK PROGRAMMATIC EA PROJECT; AND APPROPRIATING FUNDS THEREFOR

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

16. Approved a resolution authorizing the execution of the 2018 Airshow Agreement between The City of Midland, Texas and the Commemorative Air Force (CAF). (AIRPORTS)

RESOLUTION NO. 2018 - 318

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COMMEMORATIVE AIR FORCE, INC., FOR THE STAGING OF AN AIRSHOW AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; THE AIRSHOW WILL COMMENCE FRIDAY, SEPTEMBER 14, 2018, AND CONCLUDE SUNDAY, SEPTEMBER 16, 2018

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

17. Approved a resolution approving the budget for the Midland Development Corporation's 2018-19 Fiscal Year. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 319

RESOLUTION APPROVING THE FISCAL YEAR 2018-2019 BUDGET OF THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

18. Approved a resolution authorizing the execution of a professional services agreement with Parkhill, Smith & Cooper, Inc., for professional services related to the development of the Spaceport Business Park located at Midland International Air & Space Port; and authorizing payment therefor in an amount not to exceed \$40,000.00. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 320

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PARKHILL, SMITH & COOPER, INC., FOR LANDSCAPE ARCHITECTURE AND ENGINEERING SERVICES RELATED TO THE DEVELOPMENT OF THE SPACEPORT BUSINESS PARK LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

19. Approved a resolution granting a variance to Ordinance 8769, (January 1, 2010 Oil and Gas Well Drilling Ordinance), for Stonebridge Addition, Section 3 City and County of Midland, Texas, (generally located on the south-side of Solomon Lane, approximately 2300 feet east of North Big Spring Street), by permitting construction of residential buildings where no portion of any structure is closer than 150 feet of an existing oil and gas wells (Isbell HZ Unit, 104, 105, 106, 107, 108, 109, 110 and 111). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 321

RESOLUTION GRANTING A VARIANCE FOR STONEBRIDGE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SOLOMON LANE, APPROXIMATELY 2,300 FEET EAST OF NORTH BIG SPRING STREET), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 150 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

20. Approved a motion approving a Preliminary Plat of Phillips Addition, containing 30.20 acres more or less, being a so called 16.00-acre tract of land and 1.30 acres of Jasmine Drive right-of-way, all out of the NW/4 of Section 5 and Section 8, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas; and a so called 10.92-acre tract of land, 0.10-acres of South County Road 1218 right-of-way, and 0.46-acres of South County Road 1217 right-of-way, all out of Section 8, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas, (generally located approximately 1,200 feet east of the intersection of South County Road 1220 and Jasmin Drive). (DEVELOPMENT SERVICES)

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

21. Approved a motion approving a proposed Final Plat of Johnston Addition, being a 75.2-acre tract of land out of Section 21, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, (generally located east of South County Road 1270, approximately 1,500 feet north of West County Road 143). (DEVELOPMENT SERVICES)

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales,

Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

22. Approved a resolution authorizing the acceptance of right-of-way located in a 0.131-acre tract of land out of Section 37, a 6.975-acre tract of land out of Section 38, and a 109-square foot tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 322

RESOLUTION AUTHORIZING THE ACCEPTANCE OF RIGHTS-OF-WAY LOCATED IN A 0.131-ACRE TRACT OF LAND OUT OF SECTION 37, A 6.975-ACRE TRACT OF LAND OUT OF SECTION 38, AND A 109-SQUARE FOOT TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

23. Approved a resolution authorizing the acceptance of a right-of-way located in a 0.226-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 323

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A RIGHT-OF-WAY LOCATED IN A 0.226-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

24. Approved a motion on request by Maverick Engineering to defer public water, wastewater, paving and sidewalk improvements for Decker Addition, and to waive the corresponding financial security guarantee valued at \$604,216.00, an amount equal to the estimated cost of construction. The subject property is generally located at the southeast corner of West County Road 116 and South County Road 1227, approximately 435 feet outside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES)

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

25. Approved a motion on request by Maverick Engineering to defer public water, wastewater, paving and sidewalk improvements for Leveraged Addition and to waive the corresponding financial security guarantee valued at \$705,614.50, an amount equal to the estimated cost of construction. The subject property is generally located on the east side of Copus Street, at the intersection of Pecan Avenue. (ENGINEERING SERVICES)

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

26. Approved a resolution authorizing issuance of an Operating Certificate for AAA Taxi (POLICE)

RESOLUTION NO. 2018 - 324

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR AAA TAXI TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

27. Approved a resolution authorizing and executing a right-of-way License between the City of Midland and Navitas Midstream Midland Basin LLC. Said right-of-way license is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing one private gas transportation pipeline, not to exceed twelve (12) inches in diameter. The pipeline will be located on City of Midland owned real property in Section 44, Block 38, Township 1 South, H.M Halff Survey – A 1201, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 325

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NAVITAS MIDSTREAM MIDLAND BASIN, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, H.M. HALFF SURVEY, ABSTRACT NO. 1201, MIDLAND COUNTY, TEXAS

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

28. Approved a resolution authorizing and executing a right-of-way License between the City of Midland and NuStar Permian Transportation and Storage. Said right-of-way

License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing one Common Carrier Oil Transportation Pipeline, not to exceed sixteen (16) inches in diameter. The pipeline will be located on City of Midland owned real property in Section 10, Block 38, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 326

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NUSTAR PERMIAN TRANSPORTATION AND STORAGE, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 10, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

29. Approved a resolution authorizing and executing a right-of-way license between the City of Midland and Targa Pipeline Mid-Continent WestTex LLC, said right-of-way license is for entering the City of Midland's property for the purpose of operating, repairing, maintaining and removing a natural gas transportation pipeline, not to exceed twenty four (24) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Sections 4,9,10, and 16, Block 37, Township 3 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 327

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTTEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4, 9, 10 AND 16, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS.

Council Member Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

SECOND READINGS

30. Consider an ordinance on second reading on a request by Crystalyn Wright for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on the south half of Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas, generally located on the east side of North Main Street, approximately 65-feet south of East Illinois Avenue. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9796

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE SOUTH HALF OF LOT 12, BLOCK 38, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET, APPROXIMATELY 65 FEET SOUTH OF EAST ILLINOIS AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9796.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9796 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

31. Consider an ordinance on second reading on a request by Timithee Shae Cuevas dba Coiffuers Barbershop for a Specific Use Permit with Term for the Sale of all beer and wine, for on-premises consumption in a Barbershop and Salon, on a 3,490 square foot portion of Lot 1A, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas, generally located on the west-side of North Midkiff Road, approximately 630-feet south of Loop 250 North. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9797

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,490-SQUARE FOOT PORTION OF LOT 1A, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 630 FEET SOUTH OF LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF BEER AND WINE IN A BARBERSHOP AND SALON FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9797.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9797 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales,

Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

32. Consider an ordinance on second reading on a request by Gilbert Saenz for a Special Exception to the Zoning Code concerning the side yard setback requirements on the east 34 feet of Lot 21 and all of Lot 22, Block 5, Avalon Addition, City and County of Midland, Texas, generally located on the southwest corner of Gulf Avenue and N. I Street. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9798

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE EAST 34 FEET OF LOT 21 AND ALL OF LOT 22, BLOCK 5, AVALON ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GULF AVENUE AND NORTH I STREET), BY PERMITTING A REDUCED SETBACK FOR THE SIDE YARD ADJACENT TO NORTH I STREET; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9798.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9798 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

33. Consider an ordinance on second reading on a request by Hilary Knight for approval of a Special Exception to the City of Midland Zoning Ordinance Section 11-1-7, -Area, yard, structure, parking, and miscellaneous lot and use regulations concerning the side and rear yard setback of an addition on Lot 5, Block 4, Elm Grove Addition, City and County of Midland, Texas. (Generally located west of Racquet Club Drive, approximately 149-feet north of Neely Avenue. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9799

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 5, BLOCK 4, ELM GROVE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED WEST OF RACQUET CLUB DRIVE, APPROXIMATELY 149 FEET NORTH OF NEELY AVENUE), BY PERMITTING A REDUCED SETBACK FOR THE SIDE YARD ADJACENT TO THE SOUTH ALLEY AND A REDUCED REAR YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9799.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9799 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love, Lacy.

34. Consider an ordinance on second reading on a request by Warren CAT for the initial zoning of a 43.97-acre tract all out of land out of the east 1/2 of Section 18, Block 40, T-1-S, T & P RR. Co. Survey, and a 6.66 right-of-way out of east 1/2 of Section 18 and the southwest 1/4 of Section 8, Block 40, T-2-S, T & P RR Co. Survey, Midland County, Texas, generally located on the east side of South FM 1788, approximately 187-feet north of West County Road 127. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9800

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 43.97-ACRE TRACT OF LAND OUT OF THE EAST HALF OF SECTION 18, BLOCK 40, T-1-S, AND A 6.66-ACRE TRACT OF LAND OUT OF EAST HALF OF SECTION 18 AND THE SOUTHWEST QUARTER OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN IP-2, INDUSTRIAL PARK DISTRICT; SAID TRACTS BEING GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FM 1788, APPROXIMATELY 187 FEET NORTH OF WEST COUNTY ROAD 127; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9800.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9800 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

35. Consider an ordinance on second reading on request by Robert Rendall for the annexation of a 15.83-acre tract located in Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, generally located on the southeast corner of the intersection of North County Road 1247 and West State Highway 158. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9801

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 15.83-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COUNTY ROAD 1247 AND WEST STATE HIGHWAY 158); APPROVING A PUBLIC SERVICE PLAN; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9801.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9801 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

36. Consider an ordinance on second reading on a request by Tall City Brewing Beverage, LLC for a Specific Use Permit with Term, for the sale of all beer and wine beverages for on-premises consumption in a brewery/tap room, on Lot 4, Block 12, Sunset Acres, Section 9, City and County of Midland, Texas, generally located on the south side of West Golf Course Road, approximately 270-feet west of North Midkiff Road. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9802

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 4, BLOCK 12, SUNSET ACRES, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST GOLF COURSE ROAD, APPROXIMATELY 270 FEET WEST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF BEER AND WINE IN A BREWERY AND TAP ROOM FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9802.

Council Member Love moved to approve the second and final reading of Ordinance No. 9802 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: Sparks, Dufford. ABSENT: None.

37. Consider an ordinance on second reading prohibiting parking on the north side of the east-west portion of Conroe Court from the west curb line of the north-south portion of Conroe Court continuing west to the east curb line of Holiday Hill Road and on both sides of the north-south portion of Conroe Court from the south curb line of the east-west portion of Conroe Court continuing north to the south curb line of Rio Grande Avenue except to residents whose property abuts said portions of Conroe Court and who have obtained valid parking permits. (ENGINEERING SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9803

AN ORDINANCE PROHIBITING PARKING (1) ON THE NORTH SIDE OF THE EAST-

WEST PORTION OF CONROE COURT FROM THE WEST CURB LINE OF THE NORTH-SOUTH PORTION OF CONROE COURT CONTINUING WEST TO THE EAST CURB LINE OF HOLIDAY HILL ROAD AND (2) ON BOTH SIDES OF THE NORTH-SOUTH PORTION OF CONROE COURT FROM THE SOUTH CURB LINE OF THE EAST-WEST PORTION OF CONROE COURT CONTINUING NORTH TO THE SOUTH CURB LINE OF RIO GRANDE AVENUE EXCEPT TO RESIDENTS WHOSE PROPERTY ABUTS SAID PORTIONS OF CONROE COURT AND WHO HAVE OBTAINED VALID PARKING PERMITS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; DECLARING ANY VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A NUISANCE AND PROVIDING FOR THE REMOVAL OF SAME; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9803.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9803 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9*803.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

38. Consider an ordinance on second reading establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9804

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9804.

Council Member Love moved to approve the second and final reading of Ordinance No. 9804 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

39. Consider an ordinance on second reading establishing yield right-of-way signs at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9805

AN ORDINANCE ESTABLISHING YIELD RIGHT OF WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9805 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

40. Hold a public hearing and consider an ordinance on a request by Maverick Engineering, for a zone change from LR-2, Local Retail District, to BP, I-20 Business Park District, on a 7.99-acre tract of land located in Section 5, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the north side of West Interstate 20, approximately 336-feet west of South Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9806

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.995-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST INTERSTATE 20, APPROXIMATELY 336 FEET WEST OF SOUTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9806.

Development Services Director Chuck Harrington gave a brief overview of the item noting request by Maverick, client wishes to put business on I-20 for maintenance of trucks and truck wash facility and area where chemical stored related to truck wash. in fenced area will not depository for any other kind of chem, prop being replatted. prop project circ and reviewed by respective depts. no one object and staff recommends approval and rec change from lr2 to bpi20. no loj received. Love are all parking spots

truck parking spots instead of standard spots. chuck some will be automobile. non truck spaces based on building size. Mayor how enter business? Chuck off service road. Mayor who studies that Jose or txdot. chuck Mike Pacelli on behalf of TxDot. Morales no need for HEB on 191 to ensure safety off road and protect others. Chuck zone change only when plans are submitted that is when traffic will get involved. Lacy this is where TxDot will improve on Midkiff. Morales that is a long term and out biggest challenge is traffic and squeezing in don't want to do any more.

Mayor Morales opened the public hearing at 10:57 a.m.

Andrew Mellon 1909 W Wall, m office only on truck will be off exit. Warehouse Road Midkiff on other side exit will be for truck that park on side area. There will be overnight parking of trucks.

There being no one else wishing to speak, the public hearing was closed at 10:59 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9806 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

41. Hold a public hearing and consider an ordinance request by Summit 11 Investment Group, LLC, for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended Planned District on Lots 4A and 4B, Block 2, Westridge Park Addition, Section 34, City and County of Midland, Texas, (generally located on west side of N. Loop 250 West, approximately 795-foot north of Deauville Blvd.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9807

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 4A AND 4B, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 34, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 795 FEET NORTH OF DEAUVILLE BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9807.

Development Services Director Chuck Harrington gave a brief overview of the item noting this property adjacent to Sams and HEB. had previous planned district to place hotel on site developer ran into financial and didn't finish. no developer want to complete but amend site plan. zone change will dev 6 story hotel max 83.3 prev approved. 137 guest rooms, almost 5500 sq feet of ? space and 3500 sq ft restaurant in front of property. proposed site plan reviewed by all depts meets all parking req and other access in place to handle traffic. will be required to adhere to site plan. approved

by p7z staff rec approval to amend pd for thi sdev to finish. no loj. Lacy i

Mayor Morales opened the public hearing at 11:01 a.m. Love (Lacy more quesitons about stoneheengce thank developer.)

Andrew Mellen, mmaverick eengineering, this is 5th pd change onlything is the front. have cooordinated to make sure backage doesn't block traffic. don't know what resstarant , own parking and access agreements with sams and heb. consstruciton starting now trying to maneuver and clean up.

There being no one else wishing to speak, the public hearing was closed at 11:03 a.m.

Love PD change and think might be helpful is include in pkg what changing from as far as site is concern. chuck orig site plan? love yes. Other question is restarant they dont know what it is the restarant wants to do anything doesn't it have to come back to Council for signage. Chuck if changing or dding to ssite plan. approving location of restatant if major changes then won't coome back to council.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9807 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

42. Hold a public hearing regarding the proposed granting of oil and gas well permits to Diamondback E&P LLC, for the drilling of oil and gas wells, being Whitefish Unit 813MS located 306 feet from the south line and 2,055 feet from the west line, Bozeman Unit 803LS located 306 feet from the south line and 2,085 feet from the west line, Bozeman Unit 814MS located 306 feet from the south line and 2,115 feet from the west line, Bozeman Unit 803WA located 306 feet from the south line and 2,145 feet from the west line and Butte Unit 804WB located 306 feet from the south line and 2,175 feet from the west line, Section 8, Block 39, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located 405 feet north of Green Tree Boulevard and between 1,998 feet and 2,118 feet east of North Midland Drive). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Complinance Officer Ron Jenkins gave a brief overview of the item noting Diamond Back wells in same area on greentree extention 2 sets of well pads. closest house 2100 feet form wells. sound walls 24 feet on west and south toward neighborhoods. asking 5 variances. trees, 2-3" diameter better surv, perim around 5well pad, var to pit closure requirement they want to use reen biotechnology treatment to break down hydrocarbons and 24 hour frac. No notic of obj. Mayor this locaiton similar too Diamondbacks saw earlier in year. Ron had clals in this situaiton going with taller walls adn much further away and perfected how they do fracing systems so less noise. Mayor lighting sound debris. Ron diamondback confiden tadressedd. Love variance on trees jenkins smaller et better growth. Hotchkiss do we go by prefer put int ree in tub rather tthan ball and burlap one inch is too small asking for 2-3.

Mayor Morales opened the public hearing at 11:08 a.m.

Travis Landon 500 W Texas , mayor lighting sound, travis sand delivery diffenet now will make big difference. Lacy gone above and beyond to monitor sosund. Sarks concurred.

There being no one else wishing to speak, the public hearing was closed at 11:09 a.m.

43. Hold a public hearing regarding the proposed granting of oil and gas well permits to Parsley Energy Operations, LLC, for the drilling of oil and gas wells, being Ranchland C Unit 2805H located 841 feet from the north line and 2,229 feet from the east line, Ranchland C Unit 4205H located 851 feet from the north line and 2,257 feet from the east line, Ranchland C Unit 4305H located 860 feet from the north line and 2,286 feet from the east line Section 36, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (said wells are generally located between 2,286 feet and 2,229 feet west of Fairgrounds Road and between 645 feet and 626 feet south of Front Street). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Complince Officer Ron Jenkins gave a brief overview of the item noting Parsley seen wells before south of rr tracks. they are surface owner 3 well pad site no houses insidee 500 foot 860 foot lcosest neighborhood sound walls ___ foot. closed loop system no pits. they will have tank batteery outside city limits. one noj. var landscape 24 hour frac.

Mayor Morales opened the public hearing at 11:11 a.m.

Justin Johns Parsley Energy, fence entire property and guarded entrance now and throughout battery outside city limits.

Rosie Jones with heirs of ?? 2747 Ponce De Leon. Hve 6 properties in area right across form drilling site. mother worked hard for this property. has attempted to speak to parsley 3 ceertified letters 3 phone calls Mr. Bosley, Mr. Drew one to president and did not get a response. Have a plan in palce because mother wanted something construtive in community and needed something to be substantial to helping people grow and be proud of in community. Projected since 2015 is single family living complex duplex, a living complex for bedrooms, assisted living, day care center, drs office attorney office, career devleopment training program. oland not developed right no but fracing cause proeprty values go down. had investor that would help but htis depreciated the land value. not against oil but have not been able to speak to anyone for what we had in palce need ot speak to someone form company to understnad what doing is good. No one would respond to her. From Ft. Worth Dallas are they have pumped bllion sof dollars in school districts and compensated people and helped with what they are getting. understand parsley 2.8B for project and wants to know why won't speak. fences up and wells in place. She jusst wants to speak with them to understand her view. her vity loved city she loved jpeople of all ethnic backgrounds and nationality. Like to consider and speak to them on their concerns. Fracing can also cause earthquakes and explosions. even though can work out have concerns. The investor is no longer interested and project was aobut \$20 M one house wanted workers form oil field to live but can't but anything over there because of ordinances. These things are in complince . Ms collins now. Love thanked for comments parsley visited with him wanted to ensure didn't have any problems with neighbors. reps are here and they have in her eyes always been willing to work with property woners and sure they would be willing to do. They are noddng they would like to viisit and he will be there as well. Her

mother was a powerful person in community and thanked for all things she has done. Dufford where on map? Ms Collins Across street at Tildon and Illinois.

rep one of representative did speak with her on phone and will talk to again properties are outside of radius of wells Parsley rep

There being no one else wishing to speak, the public hearing was closed at 11:20 a.m.

44. Hold a public hearing regarding the proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas wells, being Rebel A #H150WB located 110 feet from the south line and 1,732 feet from the east line, Rebel A #H155WA located 110 feet from the south line and 2,062 feet from the east line and Rebel A #H160WB located 110 feet from the south line and 2,392 feet from the east line, Section 2, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said wells are generally located between 1,732 and 2,392 feet west of South Lamesa and 170 feet south of I-20). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting Permian Deep Rock 4 wells these 3 doing now. no surface owner agreement. in collective group of 5 people. no are from surface owners 3 from each of wells. collective group that owns surface. var landscaping, fence drill pad site one for entire site, rra no city road and 24 hour frac. 16 foot sound wall on north side toward business are no housing to south.

Mayor Morales opened the public hearing at 11:22 a.m.

Wayne Bailey 500 W Wall Permian Deep Rock, been in touch with surface owner have not started construction drilling to west to locations in city limit to east inside and outside of city limits.

Randy Bruno, Fredericksburg, purchased land 40 plus years ago 3 other individuals were made in 2001. There is a caliche pit which is Reese Albert abuts property on south line. surface and subsurface agreement pertaining to 218 acres these sections join each other being south line of section 2 is in question section 7 caliche pit. feel ext low cost accommodation to be made by deep rock to move locations to caliche pit. during and after drilling of wells left with 27 foot strip of undeveloped and unusable surface which border south access i20 in drilling location. With that many wells it virtually condemns that property for anything except that for however long the reserves last on that property. Access also on south side and don't know about road but no bond put up. Also in Ex K of drilling permit PDRC which is Arlington plans to obtain surface use agreement. today PDRC is unable to do so however been making diligent effort. He spoke for first time to Wayne Bailey on August 23, 2018. The only thing received is form letter composed to each owner to basically states here's our offer nothing about surface use agreement slightly above appraised value. it sits across from Walmart developed far beyond any comprehension ever had. don't know that property will be developed. Instructive condemnation of his property. won't come up for next well because would say same thing. Ask to defer to continue talks to reach some resolution and not leave it virtually worthless to him. He has had one conversation other letters sent to brother sister. Makes reference that only person they talked to is 1/12 of property why not talk to person who owns majority. Lacy only ph no action. He is in opposition.

There being no one else wishing to speak, the public hearing was closed at 11:29 a.m.

Mayor encouraged him to meet with speaker

45. Hold a public hearing regarding the proposed granting of an oil and gas well permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Mustang #H110WB located 110 feet from the south line and 2,366 feet from the west line Section 2, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (generally located 2,366 feet east of Rankin Highway and 170 feet south of I-20). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Complinance Officer Ron Jenkins gave a brief overview of the item noting same as before different name slightly further aaway.

Wayne Bailey 500 W Wall situation with this well similar to last well in addition to prior comments made generous offer being very fair as had with owners. continue to work with all land owners on ss of i20. there is no other place to drill and importnaat aspect that all need to consdier.

Sparks are your surface locations on lease locjation. Bailey over least not south? Bailey correct have done that in past drilled well very near to this one moved to south off Mr. Brunos proeprty because physically possible. This case not because of clichee pit and other excavations.

There being no one else wishing to speak, the public hearing was closed at 11:32 a.m.

46. Hold a public hearing and consider an ordinance on a request by Robert Rendall for the initial zoning of a 15.83-acre tract located in Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located at on the southeast corner of the intersection of North County Road 1247 and West State Highway 158.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9808

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 15.83-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COUNTY ROAD 1247 AND WEST STATE HIGHWAY 158; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9808.

Development Services Director Chuck Harrington gave a brief overview of the item noting property just had ssecond reading for annex and initial zzoning of 15.83 acres apt complex. annexed for city utilities. in compliance with comp plan and been reviewed by staff as well as p7z. staf rec approval no loj.

Mayor Morales opened the public hearing at 11:33 a.m.

Robert Rendall, unique bordered on west by SH 158 and north and east by drainage channel triangle shape real good use for property. Mayor construction start, as soon as can get need to work through drainage.

There being no one else wishing to speak, the public hearing was closed at 11:34 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9808 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

47. Hold a public hearing and consider an ordinance on a request by Mesquite Terrace Apartments for a zone change from a PD, Planned District for a Housing Development, to an Amended PD, Planned District for a Housing Development on Lot 1, Block 161, Wilshire Park Addition, Section 9, and Lot 2A, Block 165, Wilshire Park Addition, Section 19, City and County of Midland, Texas, (generally located at the southeast intersection of South Loop 250 West and Leisure Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9809

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 161, WILSHIRE PARK ADDITION, SECTION 9, AND LOT 2A, BLOCK 165, WILSHIRE PARK ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH LOOP 250 WEST AND LEISURE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9809.

Development Services Director Chuck Harrington gave a brief overview of the item noting amend existing pd from previously shown. put in 10x20 ?? with stone fence. 2 pedestrian bridge now reduced to one. No obj approved by p7z. staff rec approval. no loj.

Mayor Morales opened the public hearing at 11:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9809 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

48. Hold a public hearing and consider a resolution on a request by MODE Communications for approval of a Temporary Land Use Permit for a Festival on a 15,185 square foot portion of Block 64, Original Town Addition, City and County of Midland, Texas, (generally located at the southeast corner of the intersection of N. Big Spring Street and W. Wall Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 328

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL ON A 15,185-SQUARE FOOT PORTION OF BLOCK 64, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST WALL STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN.

Development Services Director Chuck Harrington gave a brief overview of the item noting Mode communication 3rd annual event bank of america plaza food, live music sale of on premise cons of alco bev 3 restrooms 2 security guards on duty all time. in past no incidence at site . in compl with comp plan and no loj staff rec approval subj to cond listed a-l.

Mayor Morales opened the public hearing at 11:38 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2018 - 328; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

49. Hold a public hearing and consider a resolution on a request by Senior Link Midland for a Temporary Land Use Permit for a Philanthropic Event (Texas Size Garage Sale) on the west 51.5-feet of Lot 5, all of Lots 6-10, and the east 22-feet of Lot 11, Block 8, Loma Linda Replat, City and County of Midland, Texas, (generally located on the north side of Scharbauer Drive, approximately 160-feet east of Barber Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 329

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PHILANTHROPIC EVENT ON THE WEST 51.5 FEET OF LOT 5, ALL OF LOTS 6-10, AND THE EAST 22 FEET OF LOT 11, BLOCK 8, LOMA LINDA REPLAT, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SCHARBAUER DRIVE, APPROXIMATELY 160 FEET EAST OF BARBER STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN.

Development Services Director Chuck Harrington gave a brief overview of the item noting Senior Link annual tlup for annual tx sized garage sale 407 e scarber, propoising hours fri oct 12 9-3 sat 13 form 830-4 and sun oct 14 2-5 will prov 2 port restroom 7 cert epace officers on friday and sat and 2 on sunday. staff no obj have compl with req rprevious rec approvla a-j.

Mayor Morales opened the public hearing at 11:40 a.m.

Tracy Renton 2306 W Shandon, huge event warehouse is full, stocked volunteers on hand ready to start sorting pricing to help senior sin Midland. oct 12-14.

There being no one else wishing to speak, the public hearing was closed at 11:40 a.m.

Council Member Lacy moved to adopt Resolution No. 2018 - 329; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

50. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a vacation of the 0.566-acres portion of Guadalupe Street right-of-way located adjacent to Lot 15, Block 2, and Lot 1, Block 3, Adobe Meadows, Section 2, City and County of Midland, Texas, (generally located on the north side of E. Mockingbird Lane, approximately 900-ft east of N. State Highway 349.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9810

AN ORDINANCE VACATING AND ABANDONING A 0.566-ACRE PORTION OF GUADALUPE STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 15, BLOCK 2, AND LOT 1, BLOCK 3, ADOBE MEADOWS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 900 FEET EAST OF NORTH STATE HIGHWAY 349); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$1,698.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9810.

Development Services Director Chuck Harrington gave a brief overview of the item noting Maverick Eeng is app req to vacate old guadaalupe row that was never developed. asking closed value established was 3000 per aacre 1698. value. retain easements for utility. staaff reveiwed no obj some cond a-c. as of 22 no loj and staff rec approval. Laacy did property owner donate this to City? Chuck don't know at this time.

Mayor Morales opened the public hearing at 11:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9810 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

51. Hold a public hearing and consider a resolution on a request by Carson & Barnes Circus for a Temporary Land Use Permit for for a Circus on Lot 1, Block 14, Oxford Heights

Addition, Section 4, City and County of Midland, Texas, (generally located on the east side of N. Midland Drive, approximately 690 feet north of Illinois Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 330

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CIRCUS ON LOT 1, BLOCK 14, OXFORD HEIGHTS ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 690 FEET NORTH OF WEST ILLINOIS AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN.

Development Services Director Chuck Harrington gave a brief overview of the item noting request applicant wishes to withdraw.

52. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a zone change from PD, Planned District for a Mixed Use District, to MF-1, Multiple Family Dwelling District, and LR-2, Local Retail District, on a 12.94-acre tract of land located in Section 19, Block 39, T-1-2, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the north side of Andrews Highway, approximately 421-feet west of N. Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9811

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING APPROXIMATELY 12.96 ACRES LOCATED IN TWO TRACTS OF LAND OUT OF SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER AND HOUSING DEVELOPMENT, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND AN LR-2, LOCAL RETAIL DISTRICT, IN PART (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 421 FEET WEST OF NORTH MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9811.

Development Services Director Chuck Harrington gave a brief overview of the item noting Maverick Engineer zone change from pd mixed use to mf1 multi family and lr2 local retail to conform to zoning required for development of northern section of mariposa apt complex. been repalted and reviewed by all depts does meet com pplan and staff rec approval. sorting thorough loj first 2 apply to property req for ss and one letter written for both n and s side of andrews and then one just for ss. Love pdmx and when bring site plan will see answer to question but prelude any idea what retail is going to be what and where? Chuck have Mr. Mellon

Mayor Morales opened the public hearing at 11:46 a.m.

Andrew Mellon, commercial side is cut out on corner.

There being no one else wishing to speak, the public hearing was closed at 11:46 a.m.

Richard Case, 1500 Murray and 4602 Andrews highway. later property purchased 20 years ago used as private refuge from problem sof world. Done remodeling torn down one garage personal workshop in yard. It abutts property in sw corner. Also owns property next to it. He saw site plan for this development yesterday for first time. He could not tell from site plan how many apt units are planned for 10 acre portion of hatch area. He heardd 130 units He doesn't know how many people in each unit but valculated if 2 bed or 3 bed and aare 130 of them there would probably be 500 people which is currently grasslandd and is suppoed to be transitional dev. IT is entitled marisposa gardens couldn't find a patch to grown raddish. It looks like poulaiton density with avg oc of 4 people density would become 32,400 per sqquare mile. apprise city council that pop density is 27000 per square mile. wonder if right direciton. other concern is traffic. who is supposed ot police andrew shighway called pd fragrant abuse of speedding laws on andrews highway and noise ord in midland but seemingly is unenforceable. Mr. Lacy contacated PD and one squad car that came out and made one or two arrests a few days later. the abuse of traffic ord or speed limit continues pick up trucks driving by. Mayor get back on track on zoning. obj to palcement of that many eople in that small of area. as apoitned out to neighbors who sold to Mr. Cox and leveled one family dwellings they also enjoyed looking at grass as do i. Mayor land gettin scarce growing probaably sell and another development come down pipeline. He was offered track of land and they said would sell for what they paid for didn't want to mow anotehr 14 acres of land.

Chuck 130 units proposed density of just under 13 units per acre city allows 16.

Sharon Humpries 4504 Princeton, traffic is horrible at Andrews Highway. Her home is to the south there is another apartment complex that is bieng considered by same company. and this will add more traffic if this gets approved. look at much bigger picture because antoehr development in less than 3/4 of mile radius. According to traffic eng in 24 hour period coming thorough andrews/midland there were more than 48,000 cars in 24 hour period. A neighbor was told in 2017 theey estimated total for eyar at almost 18 M. Talking about adding with those 3 dev if each one approved adding at least another 2,000 cars twice a day to that intersection. Tehe is not a morning that goes by that don't hear ambulance sirens where she lives. Asked to be extremely careful with what doing and to take off hat as city official and put on homeowner hat because her nneighborhood is sitll a neighborhood. She didn't appreciate it when Bobby Cox limited partnership tore down 2 houses on Andrews highway can see garage doors. Ntoing blocking any more and allens house used to block view. That was preemptive deal before all duck sin a row. Now can tlel when home and hwen not home. because vehicles park in carport park outside garage privacy sever concern. Bounced around behind house city row that will be turned into a street. in Catch 22 can't ubild fence because don't know what iis going to happen and that fence will be major expense. Her home and 2.5 acres lots are big home sits on 2.5 acres and 2.5 acres next door. almost 5000 sq ft house with 5 bedrooms oon 5 acres and doing all of this all around her. fwold you want this next to you. Mayor it is not apts single famiy homes. The Cox can sell it to whoever they want. She was not surprised shocked that immediately torn down as hoembuyer would by either one of those. Mayor other challenge is housing and they need to get reent down and trying to figure out best ingress and egress for this roject so it doesn't dump on andrews highway. Mayor will talk about fencing issue. Seh has neighbors that have lived there since 1962.

cph 11:59 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9811 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

53. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for approval of a site plan on a 10.18-acre tract of land located in Section 19, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the north side of Andrews Highway, approximately 930-feet west of N. Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9812

AN ORDINANCE ADOPTING A SITE PLAN FOR A 10.18-ACRE TRACT OF LAND OUT OF SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 930 FEET WEST OF NORTH MIDLAND DRIVE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9812.

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant has asked that this come forward at next meeting

Council Member Lacy moved to defer to meeting to be determined; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

Love should it have been deferred. procedurally incorrect. john fine

54. Hold a public hearing and consider an ordinance on a request by Maverick Engineering, for a zone change from 1F-1, Single Family Dwelling District, to LR-2, Local Retail District; on a 5.75-acre tract of land located in Section 30, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the south side of Andrews Highway, approximately 670 feet west of North Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9813

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING APPROXIMATELY 5.75 ACRES LOCATED IN TWO TRACTS OF LAND OUT OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY

OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 670 FEET WEST OF NORTH MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

Mayor MOrales read the caption of Ordinance No. 9813.

Development Services Director Chuck Harrington gave a brief overview of the item noting maverick engineering zone change on south side of they have proposing ot develop for retail space one tire company seller and not sure what other uses total retail site facing Andrews Highway as would expect normal retail activitites to take place. in process of replat. circ and rev by all resp dept. no obj to zone change it does match site plan. one loj to zone change on ss the retial portion.

Love said only one object but see two letters. Chuck discussed at p7z to protect neighborhood to south ask Mr. mellen if wiliness to protection substnail wall to protect proeprties.

Mayor Morales opened the public hearing at 12:05 p.m.

Sharon Humpries 4504 Princetonsouth haldf of tract 7 and tract 8 are proeprties they own. letter of obj comes from ss of tract 6 so this is mosstly going to affect their two properties because of where located. Don't object. Understand it needs to be commercial don't want trash don't want people to be able to see in her yard and thats a long ways and a lot f fence not about to put up 12 foot cinder block fence and say put in street can't afford to do but would like to have. Have pool by house loots of privacy concerns will take up on 9/11. Just so know can go in pick up and can go stand on tool box and fromthat back row can see into our living room. Never had anybody back there before always been very private. two huge storage buildings and lblocked line of site. Cant protect privacy until have assurance form City. Council haas to watch out from homeonwers. Not opposed to zoning want her privacy and security and noo trash.

Andrew Mellon, Maverick Engineer. Lacy require 8 foot cinder block fnece. Andrew prior zoning they figured that a fenc would be needed presented 7 foot cinder block sure okay with 8. What presented was 7 foot along . There is plan to have access that ties into woodcrest eventually. Haven't determined if fence will gobut either way a 8 foot fence willl be included. Dufford will you include site lines? Andrew of course. They have to present a site plan maybe will provide site line for their building odn't believe 2 story. Sparks why don't we change to PD with LR2 that will give council chancee to review it. John O already gone thorough whole process would have to start over. Andrew have maintstay not trying tto do anything harmful. John O nothing precludes bringing item under misc what site jplan would be but no approval. Laacy can you require site plan approval. Ohnemiller not under LR2. Mayor asked to meet with Andrew and Chuck. Sparks this iss big change going form 1f1 to lr2. Ohnemiller if want to have council meember who works along side developmer can do that. Morales truly believe Bobby cox compnaies wants to do what is best asked to have him included in meetings. Love talked about ciyt row and what their view is can you talk about ocmp

plan says about. Andrews highway needs backing road and what will take place in respect to transportaiton. Chuck what has come up need to have somee sort of backage facility. Chuck discuss nothing finalized. Love what is comp plan indicate. Chuck didn't get down to that level.

Sharon Humpries not to site plan stage site plan that have seen is showing roundabouts and looks to her on maap is going to be a roundabout in area. Need to get a real comp lan and might be able to afford 12 foot cinder block fence. 8 might cover it. none of her neighbors can afford that.

There being no one else wishing to speak, the public hearing was closed at 12:15 p.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9813 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

55. Hold a public hearing to gather citizen input on the proposed 2018-2019 budget. (FINANCE)

Budget Manager Jamie Minor opportunity for citizen in put on 2018-2019 budget if prop tax rate adopted.

Mayor Morales opened the public hearing at 12:17 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

MISCELLANEOUS

56. Consider an ordinance providing funds for the Fiscal Year beginning October 1, 2018 and ending September 30, 2019. (FINANCE)

ORDINANCE NO. 9814

AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9814.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9814 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Council Member Sparks moved to amend the motion by ; seconded by . add Tall City

Bleus Fest, Mac's BBQ Cody Ohi and \$12,500 each; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

Sparks would like to consider amending h/m tax funding 3 events that would like to look at. appreciate rec from gorup. funding 3 that they didn't want to that hold events downtown. Tall City Blues Fest \$12,500, Mac's BBQ 15,000, Cody Ohi \$14,000. Robnett asked give both downtown \$12,500.

Council Member Dufford moved to amend the motion by ; seconded by . amend H/M budget to add \$2 allocate for park improvements; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

Council Member Lacy moved to amend the motion by ; seconded by amend to rrestore City Development Fund Request for UTPB SBDC in the amount of \$27,500; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

57. Consider an ordinance on first reading Fixing the Tax Levy for the City of Midland, Texas for the Fiscal Year 2018-2019. (FINANCE)

ORDINANCE NO. 9815

AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2018 AND ENDING ON SEPTEMBER 30, 2019

Jamie first reading fixing tax levy for fy 2018 2019 to provide for gen govt op and tax sup deb 39.22 per \$100 effect plus 3%.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9815 in accordance with the Charter of the City of Midland increased by adoption of tax rate (include); seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

58. Consider an ordinance amending Title X, "Traffic Regulations," Chapter 13, "Parking Prohibited," of the City Code of Midland, Texas, by establishing Section 13, "Parking on Private Property; Signed." (CITY ATTORNEY'S OFFICE)

Mayor MOrales read the caption of Ordinance No. 9816.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9816 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

59. Consider an ordinance amending Title X, "Traffic Regulations", Chapter 13, "Parking Prohibited", of the City Code of Midland, Texas, by adding Section 14, "Commercial Motor Vehicle Parking Prohibited" 9817, so as to prohibit the parking of a commercial motor vehicle upon any public street, alley or right-of-way; negating and dispensing with the culpable mental state requirement; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; ordering publication; and establishing an effective date of October 1, 2018. (ENGINEERING SERVICES)

ORDINANCE NO. 9816

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER 13, "PARKING PROHIBITED", OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING SECTION 14, "COMMERCIAL MOTOR VEHICLE PARKING PROHIBITED", SO AS TO PROHIBIT THE PARKING OF A COMMERCIAL MOTOR VEHICLE UPON ANY PUBLIC STREET, ALLEY OR RIGHT-OF-WAY; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2018

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9817.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9817 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT

60. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

none.

adj 12:32 p.m.

All of the business at hand having been completed, the meeting adjourned at ____ p.m.

PASSED AND APPROVED the ____ day of _____, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary